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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.               | CONFIRMATION NO.       |
|---|-------------|------------------------|-----------------------------------|------------------------|
| 10/688,919  | 10/21/2003  | Andrew Charles Renshaw | 116665                            | 3905                   |
| 25944   | 7590        | 09/10/2007             |                                   |                        |
| OLIFF & BERRIDGE, PLC<br>P.O. BOX 19928<br>ALEXANDRIA, VA 22320 |             |                        | EXAMINER<br>KNIGHT, DEREK DOUGLAS |                        |
|   |             |                        | ART UNIT<br>3681                  | PAPER NUMBER           |
|   |             |                        | MAIL DATE<br>09/10/2007           | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/688,919

Applicant(s)

RENSHAW, ANDREW CHARLES

Examiner

Derek D. Knight

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 - 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. New matter has been added to claim 1. The original disclosure and claims did not include the limitation of "the part-spherical recesses of the oppositely mounted clamp elements having a **smooth inner surface** and the part spherical knob of each of the first and second ends having a **smooth surface**," emphasis added. Applicant states that support for the amendment is found in Fig. 5, however, there is not sufficient detail shown in the drawing to represent the new limitation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3681

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over **O'NEAL (US 5,064,157)** in view of **WHITE (US 982,105)** and further in view of **SAUNDERS, IV (US 4,700,919)**.

**Regarding claims 1 and 3:** **O'NEAL** discloses, as shown in figures 2-4, a cross brace clamp assembly for a handlebar comprising an elongate cross brace (12) having first and second ends, two clamps (22), one for clamping each end of the handlebar (14) at spaced apart locations, in which respect each clamp (22) comprises two clamp elements (30) adapted to be oppositely mounted, each clamp element having a facing surface, and formed with a recess having a part-circular cross-section (25), with at least one aperture (34), and at least one fastener (44) for each clamp that engages through the apertures in the opposing clamp elements of each clamp to clamp them securely to both the handlebar and the cross brace. With the respective handlebar locations received between the recesses of the part-circular cross-section of the oppositely mounted clamp elements of each clamp. **O'Neal** shows a motorcycle handlebar fitted with such a cross brace assembly.

**O'NEAL** fails to teach the cross brace being formed at each end with a part-spherical knob, the clamps having separate elements formed with a part-spherical recess for reception of the cross brace knob, and the respective cross brace knob received between the part-spherical recesses of the oppositely mounted clamp elements. **O'NEAL** also fails to teach the part-spherical recesses of the oppositely

Art Unit: 3681

mounted clamp elements having a smooth inner surface and the part spherical knob of each of the first and second ends having a smooth surface.

**WHITE** shows a clamp assembly consisting of two separate clamp elements (2 & 3) where both clamp halves form a spherical cavity (12) for retaining a part-spherical knob (18) formed on a brace (20).

**SAUNDERS** shows in Fig. 2, two opposedly mounted clamp elements (74) having part-spherical recesses with smooth inner surfaces (70) and a part spherical knob (50) having a smooth surface.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **O'NEAL** such that the brace would be formed with a part-spherical knob and each clamp half would be formed with a part-spherical recess and for the part-spherical recesses of the opposedly mounted clamp elements to have a smooth inner surface and for the part spherical knob of each the first and second ends to have a smooth surface, in view of **WHITE** and **SAUNDERS** so the clamp may be readily adjusted to assume any angular position, and the clamp is capable of properly sustaining such a position (**WHITE**, col. 1 ln. 15-18); while the smooth surface would lower production cost.

**Regarding claim 2:** The combination of **O'NEAL-WHITE**, as discussed above, teaches fasteners being provided for each clamp for engagement through apertures in each opposing clamp element, thus clamping them to a mounting bar and securing their respective attachments. **O'NEAL-WHITE** fails to teach two apertures on the clamp elements positioned one on each side of the part spherical recess.

Art Unit: 3681

In figure 2, **SAUNDERS, IV**, discloses an arm (18) with a ball (50) on its end that fits in a part-spherical socketed connector (24) with two holes (80) for fasteners that pass alongside the ball-receiving socket (70).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the clamps of the combination of **O'NEAL-WHITE** by placing two apertures on either side of the spherical recess in the clamp elements to receive fasteners in view of **SAUNDERS, IV**. The modifications would allow for a greater and more evenly distributed clamping force on the knob portion of the cross brace to ensure a selected adjusted position is maintained (**SAUNDERS, IV**, col. 2, ln. 40).

#### ***Allowable Subject Matter***

Claims 4-6 are allowed.

#### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 3681

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek D. Knight whose telephone number is (571) 272-7951. The examiner can normally be reached on Mon - Thurs & every other Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DPK

*Charles A. Marmor* 9/4/07  
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SUPERVISORY PATENT EXAMINER  
3681